

9/27/09  
sms 2008R00348

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

2009 NOV 18 P 4:01

UNITED STATES OF AMERICA

v.

DAVID MARK PATTAWI

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CLERK'S OFFICE  
AT BALTIMORE  
Criminal Case No.: JFM-09-0601  
BY \_\_\_\_\_ DEPUTY  
(Theft by an agent from an  
organization receiving federal funds  
18 U.S.C. § 666(a)(1)(A))

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CRIMINAL INFORMATION

The United States Attorney for the District of Maryland charges that:

BACKGROUND

1. At all times relevant to the Criminal Information, The Maryland Transit Administration ("MTA"), an agency of the Maryland Department of Transportation, was an organization that received in excess of \$10,000 during a one year period under a grant from a Federal program.
2. As a provider of public mass transit services, the MTA received funding from the Federal Transit Administration and the Federal Railroad Administration.
3. The MTA received federal funding in the following amounts:
  - (a) Fiscal year 2006 - \$109.3 million
  - (b) Fiscal year 2007 - \$123.0 million
  - (c) Fiscal year 2008 - \$163.6 million
4. The Defendant, **David Mark Pattawi**, was an agent of the MTA, in that he was an employee who worked as a fare box maintenance repairman and, beginning in January 2006, as a radio communications technician.

5. Beginning January 2006, **David Mark Pattawi** worked a shift from 11:00 p.m. to 7:00 a.m. and was largely unsupervised. His duties involved responding to problems with the communications on buses and light rail vehicles. As a result, the Defendant was not tied to any one place, but might be required to go to any place within the Baltimore metropolitan area.

#### MTA FARE BOX SYSTEM

6. In order to secure the monies collected from riders by minimizing the number of individuals who handled the fares, the MTA installed a computerized fare box collection system that was put into operation on buses in 2006.

7. The fare box was a self contained system into which the rider directly deposited the cash for the fare. The bus driver was not involved in collecting the fare or providing change. The driver had no access to the cash box inside the fare box unit.

8. At the end of a bus run, the driver would return to one of the four bus depots where he began the route. The bus would be driven through a "vaulting lane" where a MTA employee known as a "vault puller" entered the bus with a device known as a probe. This probe was attached by an electronic cable to a computer and the receiver vault.

9. The vault puller used the probe to cause the fare box door to open giving access to the metal cash box which held the deposited fares.

10. The vault puller would remove the cash box from the bus, take it to the vault, and insert it into a slot on the receiver vault. Once the cash box was seated in this opening, the closing of the receiver vault door caused the bottom of the cash box to open, releasing its contents, i.e. the money collected from the riders, into the receiver vault. The vault puller would then take the empty cash box and put it back into the fare box unit on the bus.

11. In this manner, the fares were collected from the buses and placed in secure vaults that were collected once a day and taken to the MTA Treasury without any MTA employee physically handling the money which is kept in secure receptacles.

**BUSES NOT "VAULTED" AT THE END OF A RUN**

12. There were occasions when the vaulting lanes were not open and there was no vault puller on duty to remove the collected fares. Vaulting lanes were not in operation on weekends and in the early morning hours during the week.

13. Drivers that ended their runs when the vaulting lanes were closed simply parked their buses on the depot lots. Since the cash box was secure inside the fare box and had the capacity to hold fares from several days runs, MTA relied on the fact that the uncollected fares would be deposited into the vault the next time the bus was driven through the vaulting lane.

**DATA FROM THE FARE BOX COMPUTERS**

14. The computer in the fare box kept a running total of the money deposited into the cash box.

15. When a bus went through the vaulting process and the contents of the cash box were deposited into the vault receptacle, the computerized counter that kept the running total of deposited fares was reset to zero. The computer memorialized this access as a "904 event."

16. When the fare box system was opened by the use of a portable electronic key, memorialized by the computer as a "528 event," the cash box became accessible. However, even if the cash box was removed and its contents emptied, the fare box computer did not reset the running count to zero as it would after a "904 event."



17. A review of computer records for the period January 2007 through March 12, 2008, revealed that there were in excess of 1,600 "528 events" that occurred between 7:00 p.m. and 6:00 a.m. or on weekends, i.e. periods during which the vaulting lanes were not in operation.

**POSSESSION OF PORTABLE ELECTRONIC KEY**

18. On or about March 13, 2008, officers from the MTA police and Maryland State Police recovered from the Defendant, **David Mark Pattawi**, a portable electronic key and a device known as a "bullet key."

19. The use of an electronic portable key would enable a person to open a fare box door and gain access to the cash box which can be opened with a bullet key.

**THE CHARGE**

20. Beginning in or about January 2007 and continuing to on or about March 12, 2008, the Defendant, **David Mark Pattawi**, made unauthorized use of electronic equipment to open secured fare boxes and to steal the money contained therein.

21. As a result of his gaining unauthorized access to the secure fare boxes on MTA buses, the Defendant,

**DAVID MARK PATTAWI,**

did knowingly and intentionally embezzle, steal, obtain by fraud, and otherwise, without authority, convert to his own use property valued at \$400,000, or more, that was under the care, custody, and control of the MTA, a government agency.

18 U.S.C. § 666(a)(1)(A)

Nov. 18, 2009  
Date

Rod J. Rosenstein / sms  
Rod J. Rosenstein  
United States Attorney